

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

TERRY N. TAYLOR,

Petitioner,

v.

DEBRA HICKEY, Warden and
UNITED STATES OF AMERICA,

Respondents.

CIVIL ACTION NO.: CV209-041

ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Taylor contends that 28 U.S.C. § 2255 is ineffective or inadequate to challenge the legality of his conviction and sentence because this statute overlooks the fact that he is not guilty of being an armed career criminal. According to Taylor, his conviction for theft from a person is a non-violent offense, but the trial court used that conviction to enhance his sentence under 18 U.S.C. § 924(e)(1).

Taylor made the contention that he is not an armed career offender on direct appeal, and the Seventh Circuit Court of Appeals specifically rejected Taylor's argument. United States v. Taylor, 179 F. App'x 957, 961-62 (7th Cir. 2006). Taylor also made the same contention in his previously filed section 2255 motion. It is clear

Taylor filed this 28 U.S.C. § 2241 petition in an attempt to escape the restrictions placed on successive section 2255 filings.

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**. Taylor's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 4 day of February, 2010.



HONORABLE LISA GOBBEY WOOD
UNITED STATES DISTRICT JUDGE